

stipulated penalties for violations of this Second Consent Decree. Defendant shall be liable for stipulated penalties, as provided in this Section IX, for a period commencing July 1, 1992, and continuing for a period of six months, or until the date of termination (pursuant to Section XXV.A.1.) with respect to a particular source, whichever period is shorter. However, any demand by any Plaintiff for stipulated penalties for violations (a) which result in the applicability of the first penalty increment in any of the schedules in Sections IX.A. through IX.F. and (b) which occur in the period July 1, 1992, through October 31, 1992, shall be based upon agency observations

only; *and during*

A. Charging

1. For each failure at each coke oven battery to meet the requirements of subparagraph V.A.2. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule: *no demand for stip penalties shall be based on a self monitoring made by def during some time that an agency observation was made*

Seconds of Visible Emissions

	<u>Penalty</u>
76 - 95 sec.	\$400
96 - 115 sec.	800
116 - 135 sec.	1,500
136 - 155 sec.	2,500
Greater than 155 sec.	5,000

2. For each failure at each coke oven battery to meet the requirements of subparagraph V.A.3. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Seconds of Visible Emissions

	<u>Penalty</u>
56-75 sec.	\$400
76-85 sec.	800
86-100 sec.	1,500
101-115 sec.	2,500

Greater than 115 sec.

5,000

B. Doors

1. For each failure at each coke oven battery to meet the requirements of subparagraph V.B.2.a. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Percentage of Leaking Doors

Penalty

g.t.¹ 8% - 10%

\$500

g.t. 10% - 12%	800
g.t. 12% - 13%	1,500
g.t. 13% - 14%	2,500
g.t. 14% - 15%	4,000
g.t. 15%	5,000

2. For each failure at each coke oven battery to meet the requirements of subparagraph V.B.3.a. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Percentage of Leaking Doors	Penalty
g.t. 5% - 7%	\$400
g.t. 7% - 9%	1,000
g.t. 9% - 11%	2,000
g.t. 11% - 12%	3,000
g.t. 12% - 13%	5,000
g.t. 13%	6,000

C. Charging Ports and Lids

1. For each failure at each coke oven battery to meet the requirements of Paragraph V.C.2. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Percentage of Leaking Charging Ports or Leaking Lids	Penalty
g.t. 2% - 3%	\$400
g.t. 3% - 4%	800
g.t. 4% - 5%	1,500

¹Throughout Section IX of this Second Consent Decree, the abbreviation "g.t." stands for greater than.

g.t. 5% - 6%	2,500
g.t. 6%	5,000

2. For each failure at each coke oven battery to meet the requirements of subparagraph V.C.3. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Percentage of Leaking Charging Ports or Leaking Lids	Penalty
g.t. 1% - 1.5%	\$400
g.t. 1.5% - 2%	800
g.t. 2% - 2.5%	1,500
g.t. 2.5% - 3%	2,500
g.t. 3%	5,000

D. Offtake piping

1. For each failure at each coke oven battery to meet the requirements of subparagraph V.D.2. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Percentage of Leaking Piping	Penalty
g.t. 5% - 7%	\$400
g.t. 7% - 9%	800
g.t. 9% - 11%	1,500
g.t. 11% - 13%	2,500
g.t. 13%	5,000

2. For each failure at each coke oven battery to meet the requirements of subparagraph V.D.3. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Percentage of Leaking Piping	Penalty
g.t. 4% - 6%	\$400
g.t. 6% - 8%	800
g.t. 8% - 10%	1,500
g.t. 10% - 12%	2,500
g.t. 12%	5,000

E. Pushing

For each failure at each coke oven battery to meet the requirements of subparagraph V.E.1.b. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Seconds of Visible Emissions Exceeding 20%	Penalty
g.t. 1 - 25 seconds	\$400
g.t. 25- 50 seconds	800
g.t. 50- 75 seconds	1,500
g.t. 75-100 seconds	2,500
g.t. 100	5,000

F. Combustion Stacks

1. For each failure at each coke oven battery to meet the applicable requirements of subparagraphs V.F.1.b. or V.F.2.b. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Minutes in Any One Hour Period Equalling or Exceeding 20% Opacity	Penalty
g.t. 3 - 6 minutes	\$400
g.t. 6 - 9 minutes	800
g.t. 9 -12 minutes	1,500
g.t. 12-15 minutes	2,500
g.t. 15-18 minutes	4,000
g.t. than 18 minutes	5,000

2. For each failure at each coke oven battery to meet the requirements of subparagraph V.F.3. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Minutes in Any One Hour Period Equalling or Exceeding 60% Opacity	Penalty
Up to 1 minute	\$400
g.t. 1 - 2 minutes	800
g.t. 2 - 4 minutes	1,500
g.t. 4 - 8 minutes	2,500
g.t. 8 -12 minutes	5,000
g.t. 12 minutes	10,000

3. On any occasion(s) where Defendant exceeds the 20% opacity standard set forth in subparagraphs V.F.1.b. or V.F.2.b. above, and during the same time period has exceeded the 60% opacity standard set forth in paragraph V.F.3. above, Defendant shall be liable for stipulated penalties, according to the table set forth immediately above, for the violation(s) of the 60% opacity standard occurring within the aggregated three minute period during which the 20% opacity violation was observed, as well as for the violation of the 20% standard.

4. In deciding whether to demand penalties under this Section IX.F., the Plaintiffs may, in their sole unreviewable discretion, consider whether such visible emissions occurred during a period immediately following an increase or decrease in coking time of four (4) hours or more.

G. Quenching

For each failure to meet the requirements of Paragraph V.G. of this Second Consent Decree, Defendant shall be liable for a stipulated penalty for each calendar day of such failure, in accordance with the following schedule:

Days on Which Quenching with Contaminated Water Occurred During A Calendar Month	Penalty
1-5 days	\$1,000 per day
6-10 days	\$5,000 + \$2,000 for each day over 5 ²
11-15 days	\$15,000 + \$4,000 for each day over 10
16-20 days	\$35,000 + \$8,000 for each day over 15
21-25 days	\$75,000 + \$16,000 for each day over 20
26-31 days	\$155,000 + \$25,000 for each day over 25

H. Coke Oven Gas Desulfurization Plant

1. Except as provided for in subparagraph H.2 below,

² For example: if quenching with contaminated water occurred on seven days during a calendar month, the penalty would be \$5,000 plus \$4,000 for a total penalty of \$9,000.